

Report to the Los Angeles Police Department on
violations of the Los Angeles Municipal Code relating to
anti-homeless planters by a number of sworn officers

May 9, 2019

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¹Note that [blue text](#) indicates clickable links internal to this document whereas [dark green text](#) indicates clickable links to resources on the Internet.

1 Synopsis

1. In 2018 residents of Venice began placing huge heavy planters on local sidewalks, usually with dimensions of at least $2' \times 2' \times 6'$. The point of the planters is to exclude homeless encampments.
2. These planters violate the Los Angeles Municipal Code in a number of different ways. The residents have been assisted in this project by LAPD officers.
3. Officers have asked homeless people in encampments to leave so that planters could be placed. They have also participated in sweeps authorized by the Unified Homeless Response Center while knowing that illegal planters would be installed post-sweep.
4. In many cases the officers who assist residents to install planters which violate the law are the same officers who enforce those very laws against homeless residents for possession of bulky items. In some cases some officers have themselves violated the law by being involved with these planters.
5. Such actions by sworn officers of the LAPD are not only illegal but they also erode the trust, already fragile, that must exist between the citizens of Los Angeles and the police. Therefore the actions must be investigated and, when appropriate, guilty officers must be sanctioned.

2 Laws

6. The Los Angeles Municipal Code at §11.00(j) states:

Whenever in this Code any act or omission is made unlawful it shall include causing, permitting, aiding, abetting, suffering or concealing the fact of the act or omission.

7. The Los Angeles Municipal Code at §11.00(m) states:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor unless that violation or failure is declared in this Code to be an infraction.

8. The Los Angeles Municipal Code at §11.00(m) states:

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by that person, and shall be punishable accordingly.

9. The Los Angeles Municipal Code at §56.11(3)(i) states that “No Person shall Store any Bulky Item in a Public Area” where a “bulky item” is defined at §56.11(2)(c) to be:

any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch or wheelchair, that is too large to fit into a 60-gallon container with the lid closed, including, but not limited to, a shed, structure, mattress, couch, chair, other furniture or appliance.

10. The Los Angeles Municipal Code at §56.11(10) states that §11.00 does not apply to §56.11 except for under certain enumerated circumstances, none of which apply here.
11. The Los Angeles Municipal Code at §56.12(a) states:

It shall be unlawful for any person or entity occupying or having charge or control of any premises, to place or cause to be placed, or allow to remain upon the sidewalk, or upon the street in front of such premises, anything which shall obstruct any portion of the street or sidewalk, without a valid permit therefor.

3 Background

3.1 The planters

12. In the last couple years huge planters have been appearing on the sidewalks in Venice. They have been the subject of a great deal of press coverage. An article in Los Angeles Magazine from December 2018 called *How Garden Planters Became a Flashpoint in the Venice Gentrification Debate* is representative.
13. These planters are typically placed on sidewalks on the sites of homeless encampments immediately after LAPD and LASAN conduct a sweep during which the encampment is removed from the sidewalk.

3.2 The people

14. Mark Ryavec is a Venice resident and activist. He runs an organization called *Venice Stakeholders Association*.
15. Taylor Bazley is a member of Councilmember Mike Bonin’s staff. He serves as field deputy for Venice.
16. Brian Buchner is in charge of the City’s Unified Homeless Response Center, through which encampment sweeps are coordinated.
17. The following are LAPD officers:

(a) Kevin Lowe (27614)

- (b) James Setzer (31260)
- (c) James Roberts (31381)
- (d) Emada Tingirides (31546)
- (e) Michael Soliman (32906)
- (f) Kristan Delatori (32914)
- (g) Javier Ramirez (39174)

4 Facts

18. Unless otherwise indicated, all of these facts are found in the emails included here as [Exhibit 1](#) on page 10 below.
19. On October 23, 2018 Mark Ryavec emailed Taylor Bazley asking him to grant the Council Office's support in placing some planters on Venice sidewalks. Ryavec stated that he was asking for support on behalf of LAPD Officer James Roberts so that LAPD could help the placement by asking the homeless people to leave.
20. In particular, Ryavec said:

With your approval, the LAPD can certainly support the residents in asking the campers to move their belongings by 8 am Saturday morning so the installation can go forward.

21. Later that day Bazley asked Ryavec if he had obtained permits for the planters. Ryavec responded that he had not done so and that he wanted Bazley to ask LAPD to help him remove the residents:

We did not apply for a permit. I would ask that you ask the LAPD to assist the residents in asking the campers to move their stuff so the installation can proceed. My guess is that all be well. If there is any resistance the residents can wait for a formal cleanup.

22. Ryavec CCed Officers Roberts, Setzer, Ramirez, and Delatori on that email. On the evening of October 23 Setzer responded, committing LAPD officers to ask campers to relocate:

Barring the unforeseen, the LAPD can plan on providing a unit to engage these persons and seek their voluntary compliance.

I'll confirm unit availability and awareness by the SLO for this effort.

23. On October 30, 2018 Bazley wrote to Brian Buchner asking him to schedule a sweep. Buchner wrote back the next day and CCed Officer Tingirides in an email that included the above-quoted emails.
24. By November 2 the sweep was scheduled and Buchner asked Tingirides to confirm that various protocol components had been completed.

5 Conclusions

5.1 The planters are bulky items within the meaning of LAMC §56.11

25. The planters are “structures,” which is an enumerated type of bulky item per LAMC §56.11(2)(c). See [Paragraph 9](#) above.
26. The planters are uniformly larger than $2 \times 2 \times 6 = 24$ cubic feet, which is 180 gallons. That is three times the volume of a bulky item as defined in LAMC §56.11(2)(c). See [Paragraph 9](#) above.

5.2 The owners of the planters are in violation of LAMC §56.11

27. LAMC §56.11 states that “[n]o Person shall Store any Bulky Item in a Public Area.” As shown above in [Section 5.1](#) the planters are bulky items, and their owners are storing them in a public area, that is to say the sidewalk. See [Paragraph 9](#) above.

5.3 The owners of the property adjacent to the planters are in violation of LAMC §56.12, which is a misdemeanor

28. The City has not issued permits for the planters. Planter owner Mark Ryavec admitted this in an October 23, 2018 email to Taylor Bazley. See [Exhibit 1](#) on page 10.
29. LAMC §56.12 forbids property owners to allow unpermitted obstructions to remain on sidewalks in front of their property.
30. Violations of LAMC §56.12 are not classified as infractions. Therefore per LAMC §11.00(m) violations of §56.12 are misdemeanors.

5.4 The named officers knew that the planters were unpermitted

31. All of the officers listed above in [Paragraph 17](#) are recipients and/or senders of the emails found below in [Exhibit 1](#).
32. Therefore they knew facts stated in the emails, including the fact that the planters were and are unpermitted.

5.5 Some of the named officers and possibly some unnamed others aided the planter owners in their violations

33. In an email reproduced below in [Exhibit 1](#) Officer James Setzer (31260) commits “a unit to engage these persons and seek their voluntary compliance” with a request to move away so that planters can be placed in violation of LAMC §56.11.

34. According to an email by Venice resident Carlos Torres, Officer Javier Ramirez (39174) evidently helped the owners of the planters by beginning the process of arranging for LA Sanitation to clear an encampment to facilitate the placement of planters in violation of LAMC §56.11.
35. These acts helped make it possible for the owners of the planters to place them on the public sidewalk in violation of LAMC §56.11.

5.6 The named officers are violating one of the core LAPD values, which is reverence for the law

36. When LAPD officers see laws being broken and do not intervene, but instead assist the lawbreakers, they are showing contempt for the law.
37. Even if some of the officers listed above in [Section 17](#) did not assist the planter owners in their violations they were and are aware of these violations and have done nothing at all to intervene, to undo past violations, or to prevent future violations. Knowing about violations of the law and not acting is showing contempt for the law.

5.7 The named officers are suffering the violations of the property owners

38. Per [Section 5.3](#) above, the owners of the property in front of which the planters are placed are in violation of LAMC §56.12.
39. According to LAMC §11.00(m) each property owner commits a new violation for each day each planter is present on the sidewalk in front of their property. See [Paragraph 8](#) above.
40. The named officers are all aware that these planters are being stored on the public sidewalk and they are aware that the planters are unpermitted per [Paragraph 5.4](#) above. Police officers can be assumed to be aware of the laws they are sworn to enforce. Therefore they are aware that the property owners are violating LAMC §56.12 on a regular and continuing basis. And yet they have done nothing to stop these ongoing violations, which they are therefore suffering to continue.

5.8 The named officers are violating LAMC §56.12

41. LAMC §11.00(j) states that anyone who suffers a violation of a section of the LAMC also violates that section.
42. LAMC §11.00(m) states that anyone who permits violations of a section of the LAMC is also violating that section.
43. Although the City Council excluded LAMC §56.11 from the effects of LAMC §11.00, they did not so exclude LAMC §56.12.

44. The officers named above in [Section 17](#) have both suffered and permitted the violations of the property owners in front of whose property the planters are placed as explained above in [Section 5.3](#).
45. Therefore these officers are also in violation of LAMC §56.12.

6 Requested action

46. I request that these officers be investigated and, if they're found to have violated any laws or rules, that they be sanctioned accordingly.
47. I request that LAPD investigate other as-yet-undiscovered officers who are implicated in illegal planter installations and, if they're found to have violated any laws or rules, that they be sanctioned accordingly.

7 Exhibits

7.1 Exhibit 1 – October/November 2018 emails concerning side-walk planters

From: brian.buchner@lacity.org on behalf of Mayor UHRC <uhrc@lacity.org>
Sent: Friday, November 02, 2018 12:30 PM
To: Taylor Bazley;Emada Tingirides
Cc: Javier Ramirez;Marco Ramirez;Robert Chellew;Salvador Rosales;Steven Pedersen;Gonzalo Barriga;Monique Contreras;Celina Robles;Brian Buchner
Subject: Re: Harding Ave./Lincoln Blvd. Beautification Project

Understood, Taylor.

Emada, can you please confirm if West Bureau HOPE visited the location? Also, copying LASAN to ensure coordination between the Council Office, the UHRC, and departments.

Thanks.

Brian

On Thu, Nov 1, 2018 at 6:44 PM, Taylor Bazley <taylor.bazley@lacity.org> wrote:

We need a posted clean up as soon as possible. I am already asking LASAN to prioritize the location and it would be helpful to get sooner than later.

Thanks -
Taylor

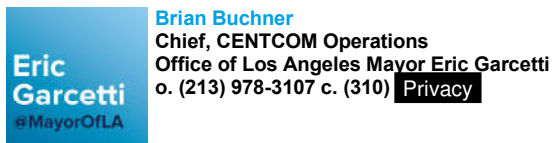
On Wed, Oct 31, 2018 at 10:08 AM Mayor UHRC <uhrc@lacity.org> wrote:
Hi Taylor,

We'll have the West Bureau HOPE Team address the location. Copying Lt. Emada TIngirides on this email chain.

Thanks.

Brian Buchner

--



On Tue, Oct 30, 2018 at 4:27 PM, Taylor Bazley <taylor.bazley@lacity.org> wrote:
Hi UHRC -

I needed some help coordinating a clean up at Harding just West of Lincoln Blvd. in Venice.

-Taylor

----- Forwarded message -----

From: **Carlos Torres** <[redacted] Privacy >

Date: Tue, Oct 30, 2018 at 3:01 PM

Subject: Re: Harding Ave./Lincoln Blvd. Beautification Project

To: venicestakeholders <[redacted] Privacy >, Taylor Bazley <taylor.bazley@lacity.org>, James Setzer <31260@lapd.online>

Cc: [redacted] Privacy >, [redacted] Privacy >, [redacted] Privacy >

[redacted] Privacy >, Mike Castillo <[redacted] Privacy >, James Roberts <31381@lapd.online>, Javier Ramirez <39174@lapd.online>, Kristan Delatori <32914@lapd.online>, Michael Soliman <32906@lapd.online>, Kevin Lowe <27614@lapd.online>

The situation here is deplorable, is so frustrating to be left out in the cold like this, Our SLO Officer Ramirez was in the process of coordinating a day with Sanitation so we could install the planters, we have the planters, we have the plants, we have the people to come and do the labor, all we need is for our Officials to come and help us clear the area so we can do the work, !!! Is been 5 months of us residents fighting this battle, is just not fair, we are exahusted, we are frustrated, we feel helpless.

Officer Ramirez what happened? you said you were going to help us. You are not returning our calls or emails when you said we will be ready to proceed this week. We have done our part where are you?

Please Captain James help us residents, is not our fault, we pay taxes, we been patient, we raised our own funds, we have been doing the hard work and will continue, all we need is for our SLO to help us one day to clean that area. We have integrity and we are hoping that our officials do too.

I'm trusting that we will resolve this soon, for everyone's sake. I'm sure you don't want to be bother everyday with this same issue and we are desperate to have a decent life here.

Sincerely

Charlie T

On Tuesday, October 23, 2018, 7:30:01 PM PDT, James Setzer <31260@lapd.online> wrote:

Good evening all:

Barring the unforeseen, the LAPD can plan on providing a unit to engage these persons and seek their voluntary compliance.

I'll confirm unit availability and awareness by the SLO for this effort.

Respectfully,

Jim Setzer

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From: venicestakeholders [Privacy] >
Sent: Tuesday, October 23, 2018 19:17
To: Taylor Bazley
Cc: [Privacy]; Carlos Torres; [Privacy]; Mike Castillo; [Privacy]
[Privacy] James Roberts; James Setzer; Javier Ramirez; Kristan Delatori
Subject: Re: Harding Ave./Lincoln Blvd. Beautification Project

We did not apply for a permit. I would ask that you ask the LAPD to assist the residents in asking the campers to move their stuff so the installation can proceed. My guess is that all be well. If there is any resistance the residents can wait for a formal cleanup.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Taylor Bazley <taylor.bazley@lacity.org>
Date: 10/23/18 6:32 PM (GMT-08:00)
To: Venice Stakeholders <VeniceStakeholders@ca.rr.com>
Cc: samantha_mehra@yahoo.com, Carlos Torres <veniceneighborsunited@yahoo.com>, andyk@andyk.net, Mike Castillo <mikecastillonre@gmail.com>, camey@cameyart.com, thanhtran08141920@gmail.com, James Roberts <31381@lapd.online>, James Setzer <31260@lapd.online>, Javier Ramirez <39174@lapd.online>, Kristan Delatori <32914@lapd.online>
Subject: Re: Harding Ave./Lincoln Blvd. Beautification Project

Mark -

If this is permitted then LAPD would be able to support enforcement of your permit - my assumption is that this isn't permitted. If LAPD feels comfortable with their officers politely asking but not forcibly removing people (again assuming there is no permit) then they could do that but otherwise the way we would force people to leave an area is to fulfill a permit.

-Taylor

On Tue, Oct 23, 2018 at 6:26 PM Mark Ryavec <VeniceStakeholders@ca.rr.com> wrote:

Taylor,

Might it be possible for you to lend support in another manner?

The handful of campers have just landed there in the last couple days and a cleaning by Sanitation is not really necessary.

All it appears Captain Roberts is asking for is the council office's support for the installation of a few planter boxes on the parkway, as we previously have installed, with your support, around the Post Office and along Staples.

With your approval, the LAPD can certainly support the residents in asking the campers to move their belongings by 8 am Saturday morning so the installation can go forward.

The city can save the Sanitation clean up for more deserving locations.

Thank you for your consideration of this suggestion.

Mark

On 10/23/2018 5:24 PM, Taylor Bazley wrote:

Hi Samantha -

I'm sorry but the authorization process alone takes at absolute minimum two weeks, usually the fastest I can make it happen is 3 weeks, and 4/5 weeks is more standard.

The process for a posted clean up is the request goes in, LASAN responds to do a site evaluation and pings LAHSA, LAHSA needs to attempt to demonstrate rendering of services by visiting the site 3 documented times, they convey back authorization, the interdepartmental team needs to schedule this into their operations (usually the team is only in our council district two or three days a month), and then there needs to be a posting around the area 3 days in advance.

I know some neighbors might post that work will be done in an area at a given time and that has been useful at encouraging people to move at that time but a posted sanitation clean up is sort of a heavy lift that requires weeks notice and is according to the interdepartmental clean up crew's schedule (which doesn't usually include weekends).

-Taylor

On Mon, Oct 22, 2018 at 5:43 PM samantha mehra <[REDACTED]> wrote:

Hi Taylor,

Hope

--

Taylor Bazley

Field Deputy - Venice, OFW, Silver Strand, Marina Peninsula

Councilmember Mike Bonin

City of Los Angeles

[310-575-8461](tel:310-575-8461) | www.11thdistrict.com



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MyLA311 links Angelenos with the services and information they need to enjoy their city, beautify their community and stay connected with their local government. With MyLA311, City of Los Angeles information and services are just a few taps away.

--

Taylor Bazley

Field Deputy - Venice, OFW, Silver Strand, Marina Peninsula

Councilmember Mike Bonin

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